

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

IN THE MATTER OF:

HENRY ANTHONY BROWN,

Debtor.

Chapter 7
Case No. 09-58921-WSD
Hon. Walter Shapero

**EX-PARTE APPLICATION FOR FIRST AND FINAL
FEES NOT EXCEEDING \$1,000.00 FOR SERVICES
RENDERED BY THE APPRAISER FOR TRUSTEE**

Charles L. Wells, III, the Chapter 7 trustee, by his attorneys Gold, Lange & Majoros, P.C., submits this final fee application for C.B. Kaye & Associates pursuant to L.B.R. 2016-1(d) (E.D.M.), 11 U.S.C. §330 and Fed. R. Bankr. P. 2002(7). (See Exhibit A).

IN SUPPORT of the Application the Trustee states:

1. On June 16, 2009, Henry Anthony Brown filed a voluntary petition under Chapter 7 of the Bankruptcy Code.
2. On August 28, 2009, this Court entered an Order Approving Trustee's Employment of C.B. Kaye & Associates as Appraiser. See Exhibit B.
3. C.B. Kaye & Associates appraised the Debtor's 2009 Ford MKS and submitted its report to the Trustee's counsel.
4. The Trustee requests authority to pay C.B. Kaye & Associates \$275.00 for compensation and expenses of \$51.04. A copy of the appraiser's September 9, 2009, invoice is attached as Exhibit C.
5. The appraiser's fee request is consistent with the hourly rate set forth in Trustee's Application to Employ Appraiser approved by the Court.

6. The appraiser based the fee amount on his normal hourly rate of \$100.00. The appraiser spent 2.75 hours traveling to and inspecting the vehicle and preparing his report.

7. A valuation opinion of the vehicle was necessary for the Trustee to conclude a settlement with the Debtor regarding payment of significant non-exempt equity in personal property to the bankruptcy estate.

WHEREFORE, the Trustee requests authority to pay C.B. Kaye & Associates \$275.00 for compensation and expenses of \$51.04 for services rendered in connection with the valuation of personal property.

GOLD, LANGE & MAJOROS, P.C.

Dated: September 10, 2009

/s/ Elias T. Majoros
Attorney for Trustee (P41040)
24901 Northwestern Highway, Suite 444
Southfield, Michigan 48075
(248) 350-8220
emajoros@glmpc.com

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IN THE MATTER OF:

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**ORDER GRANTING EX-PARTE APPLICATION FOR FIRST
AND FINAL FEES NOT EXCEEDING \$1,000.00 FOR SERVICES
RENDERED BY THE APPRAISER FOR TRUSTEE**

This matter having come before the Court upon the Chapter 7 Trustee's Ex-Parte Application for First and Final Fees not Exceeding \$1,000.00 for Services Rendered By The Appraiser For Trustee, C.B. Kaye & Associates ("the Application"). The fees requested do not exceed \$1,000.00. Therefore, no notice is required pursuant to Fed. R. Bankr. P. 2002(a)(7). The Court is fully advised in the premises.

IT IS HEREBY ORDERED that the Application is granted. The Trustee is authorized to pay C.B. Kaye & Associates \$275.00 for compensation and expenses of \$51.04 for services rendered.

EXHIBIT A

UNITED STATES BANKRUPTCY COURT
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ORDER APPROVING TRUSTEE'S EMPLOYMENT OF APPRAISER

The Trustee submitted an Application for Order Approving Employment of Appraiser. The office of the United States Trustee filed a Statement of Consent. The Court has reviewed the application and the appraiser's statement of disinterestedness. The court is satisfied that the employment of C.B. Kaye & Associates is in the best interest of the estate.

IT IS ORDERED that the employment of C.B. Kaye & Associates as appraiser is approved. Compensation and reimbursement of expenses is subject to further application and court approval.

Signed on August 28, 2009

/s/ Walter Shapero

Walter Shapero

United States Bankruptcy Judge

C. B. Kaye & Associates

33061 Groesbeck Highway
Fraser, MI 48026
(586) 285-1615 ~ Fax (586) 285-1622

Invoice

DATE	INVOICE NO.
9/9/2009	2439

BILL TO

Charles Wells III
903 N. Opdyke Rd, #A1
Auburn Hills, MI 48326

			PROJECT	CASE #	
			Brown, Henry	09-58921-WSD	
DATE	ITEM	DESCRIPTION	QTY	RATE	AMOUNT
8/3/2009	Appraisal	Appraisal of debtor vehicle. Details of appraisal and research included on attached Activity Report. Period included in current billing 7/29/09 to 8/3/09 round trip mileage	2.75	100.00	275.00
	Mileage		88	0.58 6.00%	51.04 0.00
			Total		\$326.04

Activity Report

Case Name: Brown, Henry A. W.
Case #: 09-58921-WSD
Trustee: Wells, C. (CHW)

Address: 14209 Westlake Cir, Belleville, MI
Contact Name / Ph.: 734.624.6984
Attorney: Majoros, E. (ETM)

Date	Activity Description	Empl	Hours
7/29/09	<ul style="list-style-type: none"> • Receive email from ETM indicating that debtor attorney will be contacting CBK to arrange inspection and appraisal of debtor vehicle. Reply to ETM and debtor attorney that CBK may be contacted to arrange appraisal. • Receive email from debtor providing phone number 734.624.6984. • Perform preliminary appraisal research of debtor vehicle. Determine that more information is required to accurately determine value of vehicle. Email to ETM requesting detail of vehicle information, VIN if available. 	CBK	0.30
7/30/09	<ul style="list-style-type: none"> • Receive email from ETM containing copy of title for vehicle. Use VIN info to perform preliminary appraisal research. Determine that vehicle value could range from \$25,000.00 to \$30,000.00 based on options installed on vehicle. Call to ETM to inform of findings on vehicle value. ETM request that inspection be made of vehicle for possible auction by CBK or valuation opinion for purposes of determining fairness of potential offer by debtor to purchase non exempt equity in vehicle. • Call to debtor to arrange inspection of vehicle. Debtor agrees to bring vehicle to CBK office 7/31 for inspection. Email sent to debtor with cc to ETM confirming vehicle inspection. 	CBK	0.25
7/31/09	<ul style="list-style-type: none"> • Call from debtor. He did not realize that CBK office was over 40 miles from him. He is unable to travel that distance. Arrange to travel to debtor residence 8/1/09 to inspect vehicle. Appointment made for 10:30 a.m. 	CBK	0.10
8/1/09	<ul style="list-style-type: none"> • Travel to debtor residence. Meet with debtor. Inspect and photograph vehicle. Confirm vehicle options. Return to CBK office. • Mileage – 88 	CBK	1.60
8/3/09	<ul style="list-style-type: none"> • Research vehicle value with installed options. Prepare appraisal report with photo. Scan report to send to ETM via email. Mail original report to ETM. 	CBK	0.50

Highlighted items have been invoiced

1

C. B. Kaye & Associates ~ 33061 Groesbeck Highway, Fraser, MI 48026 ~ 586.285.1615

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CERTIFICATE OF SERVICE

I hereby certify that on September 10, 2009, I electronically filed (1) Ex-parte Application for First And Final Fees Not Exceeding \$1,000.00 for Services Rendered by the Appraiser for Trustee; and (2) Certificate of Service with the Clerk of the Court using the ECF system which will send notification of such filing to the following:

Office of the U.S. Trustee
211 W. Fort Street, Suite 700
Detroit, MI 48226

Charles L. Wells, III, Esq.
903 N. Opdyke Road, Suite A1
Auburn Hills, MI 48326

/s/ Elias T. Majoros
Gold, Lange & Majoros, P.C.
24901 Northwestern Hwy., Suite 444
Southfield, MI 48075
(248) 350-8220
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(P41040)

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